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Continuing to Fight While Negotiating

I.

On several occasions since World War II, belligerents continued to fight while engaged in formal negotiations on a truce or peace treaty. In East-West confrontations, such occasions were the Panmunjom truce negotiations of 1951-1953, the 1954 Geneva conference on Indochina, and the negotiations on the neutralization of Laos of 1961-1962. Also, in the two Quemoy crises of 1954-55 and 1958, informal talks continued throughout the shooting periods. Another instance that might be added are the closed sessions in the United Nations Security Council in November-December 1950 where an invited Communist Chinese representative faced the Western powers-- (to the extent that these verbal exchanges qualify as "negotiations"). An earlier instance of interest is the Finnish winter war of 1939-40, when secret negotiations between the Finns and the Soviet Union continued *of the three and a half months first in Stockholm and later* during the last two months even in Moscow. Indeed, the Soviet-Finnish peace treaty was settled and signed in the Kremlin while the Red Army was waging one of its largest battles against the Finnish defenses.

*war*

An example outside of East-West confrontations are the negotiations between France and the Algerian FLN in 1961 and 1962. Shooting continued up to the final agreement of Evian, albeit on a smaller scale towards the end.

II.

If belligerents stop fighting while they negotiate, this means, in effect, that they are conducting their negotiations in two stages. First, they negotiate an agreement to observe an unconditional and provisional cease-fire (this stage may be brief and informal), then they negotiate

various conditions that are to be part of the truce agreement or peace treaty.

Of course, it takes two to make this two-stage process possible. One side may refuse to stop fighting prior to a complete settlement while the other side may refuse to negotiate until the shooting has stopped. This is the situation now between Indonesia and Malaysia (although with only low-level fighting). This was also the situation between France and the FLN from September 1960 until May 1961. In September 1960, de Gaulle said he would negotiate Algerian independence only if the FLN first ceased its attacks; but the FLN refused, fearing disintegration of its forces (or internal strife?) from a cease-fire.

Such situations cannot be stable. With continued fighting, the fortunes of war will make one or the other side yield. Thus, in May 1961 de Gaulle yielded and began negotiations with the FLN. However, he instructed his negotiator to announce a "unilateral truce" (perhaps to save face). This was rejected by the FLN as a maneuver to make them cease fire prematurely. Incidentally, a "unilateral truce" announcement is a move that might be used again by a party wishing to induce the opponent to stop fighting.

In the 1954 Indochina conflict, French Foreign Ministry officials feared a similar move prior to the fall of Dien Bien Phu. They<sup>were</sup>/worried the Viet Minh might propose an immediate armistice which would leave a diffuse military situation with no real front line and force the evacuation of French troops. On the other hand, the French military leaders wanted to

avoid the capitulation of Dien Bien Phu and were therefore willing to accept an immediate armistice without a regrouping of forces. These two opposing views led to a dispute within the French government. (As it turned out, the Viet Minh did not propose an immediate armistice.)

### III.

The consequences of combining fighting with negotiation can be looked at in two ways: (1) the effects of adding formal negotiation to fighting, (2) the effects of continuing to fight while negotiating. Both may be important at the same time, since one side may be interested mainly in the results of fighting which it wants to temper with the effects of negotiation, while the other side may be interested in negotiation but use continued fighting as a supporting tactic.

- (1) Adding formal negotiation to fighting helps to delimit the apparent risks of the armed conflict, because communication at the conference table provides signals as to the enemy's goals and intentions. For our Communist opponents, the risks of fighting are reduced further by the fact that during formal negotiations, Western governments feel restrained not to escalate military operations suddenly. We, on the other hand, do not derive this advantage from adding formal negotiation to fighting. (The sudden Soviet test resumption illustrates that Communists do not shy away from violent actions while negotiating.)
- (2) Continuing to fight while negotiating enhances the pressures from the use and threat of force on one or both sides, thus affecting the bargaining relationship.



The use of negotiation to limit the risks of fighting is illustrated by the Chinese Communist proposal for truce talks in the Korean war, at the very moment when their military situation was deteriorating. Another example may be Chou En-Lai's public proposal for negotiation during the 1958 Quemoy crisis, which he made while Communist guns were shelling the island, and by means of which he may have wanted to forestall a more violent U.S. reaction (such as bombing of the Mainland). He did not make his public proposal to start more formal negotiations, for the private talks that had already been going on in Warsaw simply continued. (In the 1954-55 Quemoy crisis, Peking proposed the opening of talks before the shelling started.)

The same purpose of reducing the risks of fighting can be seen in Stalin's negotiations with the Finns in 1940. The Anglo-French preparations for an expeditionary force to aid Finland could not be dismissed so lightly by Stalin--impractical as it looks from hindsight. After all, could Stalin be sure, during that "phoney War" period, that the French and the British, once clashing with his Red Army in Scandinavia, might not make another Munich deal with Hitler, after which Hitler might join the Anglo-French forces in an attack on the Soviet Union--that most dreaded of all possibilities?

#### IV.

The other way of looking at the combination of fighting and negotiation, as mentioned above, is to consider continued fighting as a tactic for obtaining better results at the conference table.

Continued fighting maintains the pressures resulting from the costs of warfare. The human and political costs of fighting tend to hurt

Western nations more than Communist ones. At Panmunjom, the UN side was anxious to reach agreement because of the continued casualties and the uncertain fate of UN prisoners in Chinese hands. In 1954 in Indochina, and in 1960-62 in Algeria, the French government was anxious to escape the political burdens of continued fighting.

Continued fighting also enhances the apparent risks of warfare. That is, the likelihood of escalation or expansion seems greater while fighting continues than after a cease-fire. (Though the fact that formal negotiations are in progress, as noted, partly reduces this risk for the Communist side, since Western governments tend to be more inhibited in the use of force or threats of force while engaged in negotiation. The point here is, that military offensives become even less likely after fighting has stopped.)

The apparent risks of continued warfare--as distinguished from its continuing costs--depend mainly on two factors: (1) the estimated potential enemy strength, and (2) his apparent determination in threatening with this potential. At Panmunjom, the UN side had the greater potential strength, but spoiled its capacity to threaten with it. The unification of Korea (an earlier goal of a UN resolution) became ruled out unmistakably after December 1950 at the UN as well as in Washington. And shortly after the truce talks began, the UN negotiators made the fatal mistake of agreeing to a demarcation line. This practically guaranteed the Communists that reverses on the battle line would not cost them territory.\*\* That is, the Communists

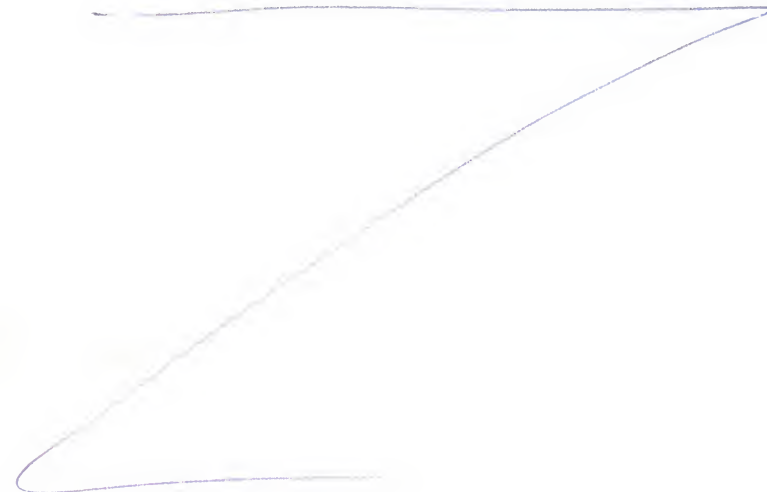
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\*\*In the 1954 Indochina conference, the demarcation line between North and South Viet Nam was settled only toward the end. How far North the Communists would let it be located, depended on how soon the elections were promised in South Viet Nam. This was perhaps the only time the Communists traded real estate for a promise!

were successful in using negotiation to reduce their risks from continued fighting, without having to forego the pressures on the West resulting from the costs of fighting.

There are other examples where the potentially stronger side failed to threaten with the risks of continued warfare. In the French-Algerian bargaining, the French government never pushed the idea of setting up a permanent French enclave on the Algerian coast (a French "Israel"), although France had the power to carry it out. Perhaps in the 1961-62 Laos negotiations, the U.S. could have gained a quicker or a better settlement with a stronger threat of partition.

A threatened action has to be credible only to the opponent; it does not have to be agreeable to oneself. The quixotic Anglo-French plan in 1940 for an expedition to Finland seems to have stopped Stalin from conquering all of Finland, although the big threat behind it, that is a second "Munich," was certainly not agreeable to Paris and London. Similarly, major UN preparations for unifying Korea might have worked wonders at Panmunjom, disagreeable as an increased war<sup>effort</sup>/would have looked to the United States.





Depending on the particular circumstances, continuing to fight while negotiating may have a number of other effects apart from prolonging the costs of military operations and enhancing the risks of escalation. In contrast to the alternative of two-stage negotiations (where an unconditional and provisional cease-fire is settled quickly at first), the continued shooting may help one or both sides to overcome domestic quarrels. In counter-insurgency, it may permit the leadership of the insurgents to remain ill-defined. For example, the domestic power struggle in Algeria came into the open only after the peace settlement. Also, conflicts among allies may become more pronounced with a cease-fire than with continued fighting. (Though, the U.S. quarrel with Syngman Rhee occurred inspite of continued fighting.)

The notion that continued shooting might exacerbate feelings of hostility and thus reduce the chances for agreement does not seem to deserve much weight. Where it has taken long in the past to reach a truce or peace, it was not because of the anger engendered by the ongoing fighting, but because either (1) the military pressures on the opponent were not compelling enough to make him accede to our minimum terms-- that is, not enough shooting (e.g., Panmunjom), or (2) domestic politics or inter-allied difficulties inhibited a quick settlement (e.g., de Gaulle's domestic opposition against settling the Algerian conflict, or Eisenhower's difficulties

in negotiating a conditional surrender with Badoglio after the fall of Mussolini).

# VI

To summarize, if there is a policy question whether or not to continue fighting while engaged in formal negotiation, the following factors would favor a continuation of fighting. That is, these factors would make it advisable for us not to seek a provisional cease-fire, whether tacit or explicit. And if these factors are present strongly, they would make it advisable even to refuse negotiation unless it is understood that fighting will continue.

- (1) If the enemy could strengthen his forces more than we could during protracted negotiations. (This may also happen, however, even if we do not cease fire, just because the ongoing negotiations might inhibit us from offensive operations - as at Panmunjom).
- (2) If the threat of our ~~escalating~~ the war is the principal incentive for the enemy to reach a satisfactory agreement with us. (However, as illustrated above, we may fail to exploit this threat even if fighting continues.)
- (3) If the costs from continued fighting (casualties, domestic political dissension, etc.,) would not be so onerous as to make us impatient to settle. Or conversely, if the costs incurred by the enemy would make him anxious to settle.
- (4) If the asymmetries of the effects on domestic and allied unity from a provisional cease-fire would



favor us during the ~~subsequent~~ negotiations.

Should the reverse of most of these factors apply, we may want to insist on a provisional cease-fire before entering into negotiations on a more final settlement.